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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/820,933	03/30/2001	Hideyo Makino	204398US2	4152
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OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER	
		PHAM, HAI CHI		
		ART UNIT	PAPER NUMBER	
		2861		

DATE MAILED: 09/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/820,933	MAKINO, HIDEOY Hai C Pham
Examiner	Art Unit	2861

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 25 June 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,3-6,8-11,13-16 and 18-30 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,3-6,8-11,13-16 and 18-30 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

FINAL REJECTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1, 4-6, 9-11, 14-16, 19-21, 23, 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Naiki et al. (U.S. 6,101,018) in view of Hamada et al. (U.S. 6,246,463 B1).

Naiki et al. discloses a multi-beam scanning apparatus comprising a laser diode array (2, Fig. 6) having at least three light emitting points (2a-2f) arranged in a package at an equal interval and configured to emit respective laser beams that form corresponding laser beam spots on a recording medium (25) at a minimum recording interval (when the print mode is set to the highest density, namely at 1200 dpi as displayed in Fig. 7C), wherein the laser beams from the at least three light emitting points scan the recording medium in a main scanning direction while being at least one of on and off (Fig. 5) so as to form a light image having the minimum recording interval in the recording medium, the equal interval is not greater than the minimum recording interval (Fig. 7C), and the at least three light emitting points are arranged such that the corresponding laser beams spots on the recording medium are arranged substantially in a line in a direction orthogonal to the main scanning direction (the laser beam spots

30a-30f corresponding to the light emitting points 2a-2f, respectively, Fig. 7C). Naiki et al. further teaches the laser beam spots configured to be arranged in a line in a distance not greater than 21.27 μm (Fig. 7C).

However, Naiki et al. fails to teach any one of the laser beams being used as a clock laser beam to determine a timing of starting each main scanning.

Regardless, Hamada et al. teaches a multi-beam scanning apparatus in which any one of the laser beams (301a-301c) is used as a clock laser beam (reference beam) configured to determine a timing of starting each main scanning via the delay time setting circuit such that the beams spots (401a-401c) are aligned along the start line (610) in a direction orthogonal to the main scanning direction (Figs. 6A-6C).

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the device of Naiki et al. with the aforementioned teaching of Hamada et al. The motivation for doing so would have been to provide a simple method of aligning the scanning start positions for all laser beams emitted at one time for every scanning process while increasing the life of the semiconductor laser array, as suggested by Hamada et al.

3. Claims 3, 8, 13, 18, 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Naiki et al. in view of Hamada et al., as applied to claims 1, 2, 6, 11, 16 above, and further in view of Nakayama (JP 5-6077).

Naiki et al. in view of Hamada et al. discloses all the basic limitations of the claimed invention except for the abnormal lighting detector, and the laser beam changer

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configured to change the clock laser beam to any one of the laser beams in case of detected abnormality.

However, Nakayama discloses an image forming device using plural light sources, and a detecting device (29) for detecting an abnormality in the emitting state of the light sources (25) such that only normal light sources are used for forming image.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the device of Naiki et al., as modified by Hamada et al., with the aforementioned teaching of Nakayama for the purpose of adjusting the scan timing of each of the laser beams.

4. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Naiki et al. in view of Hamada et al., as applied to claim 21 above, and further in view of Ito (U.S. 5,471,236).

Naiki et al., as modified by Hamada et al., discloses all the basic limitations of the claimed invention except for the claimed relationship, which involves the focal distances of the collimator lens and the beam-shaping lens, respectively.

However, it is well known in the art of printing that the overall lateral magnification (m) of an optical scanning device is defined as a product of the lateral magnification of the pre-deflection optical system (m_1) (comprising a collimator lens and a condenser lens) and that of the post-deflection optical system (m_2) (including the imaging lenses) as exemplified by Ito:

$$m = m_1 \cdot m_2 = (f_2/f_1) \cdot m_2$$

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where, f_1 is the focal distance of the collimator lens, and

f_2 is the focal distance of the cylindrical lens.

Therefore,

$$p = L / m$$

$$= L / [(f_2/f_1) \cdot m_2]$$

$$= (f_1/f_2) \cdot (L/m_2)$$

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to incorporate the above teaching of Ito into the calculation of the scanning pitch in the device of Naiki et al., as modified by Hamada et al., since it is known in the art that such determination of the scanning pitch would include the characteristics of the pre-deflection optical system.

5. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Naiki et al. in view of Hamada et al., as applied to claims 21, 23 above, and further in view of Kitamura (U.S. 4,393,387).

Naiki et al., as modified by Hamada et al., discloses all the basic limitations of the claimed invention except for the light beam array and the collecting element being part of a subunit.

However, Kitamura discloses a multi-beam scanning apparatus, in which the light emitting diode array (1, Fig. 2 or 15, Fig. 11) is build into a package, and is further a part of a subunit along with the condenser lens (11, Fig. 11).

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the device of Naiki et al., as modified by Hamada et al., with the aforementioned teaching of Kitamura for the purpose of providing a compact laser source unit whose optical alignment would be easy to be adjusted.

6. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Naiki et al. in view of Hamada et al., as applied to claim 21 above, and further in view of Komatsu (U.S. 5,774,248).

Naiki et al., as modified by Hamada et al., discloses all the basic limitations of the claimed invention except for the centers of the light beam spots on the recording medium deviating less than 1/2 from a target distance between centers of the light beam spots and a line in the main scanning direction.

However, Komatsu discloses a multi-beam scanning apparatus in which the laser diode array with a plurality of light emitting points arranged at equal intervals is adjusted such that the position deviation of the vertical line connecting the centers of the light beam spots in the sub-scanning direction is corrected, the position deviation being less than 1/2 from a target distance between centers of the light beam spots and a line in the main scanning direction (Figs. 11-12) (col. 11, lines 13-54).

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the device of Naiki et al., as modified by Hamada et al., with the aforementioned teaching of Komatsu. By doing so, it is possible

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to correctly align the light beams in a vertical line in the sub-scanning direction as a starting point.

Response to Arguments

7. Applicant's arguments filed 06/25/03 have been fully considered but they are not persuasive.

The examiner respectfully submits that the "laser functioning as a clock timer" that Applicant attempts to equate with the claimed limitation in "clock laser beam" and at the same time to differentiate from the "clock signal generator 44" as disclosed by Naiki et al. (U.S. 6,101,018), would imply that the frequency at which the laser oscillates would be used and/or influenced the timing of the printing operation. And as such, the implication is improper and is not supported by the present disclosure. In fact, the claimed "clock laser beam" simply means a reference laser beam, and does not implicitly imply a frequency of oscillation of the laser (see specification, page 16, lines 21-25). The detection of the reference laser beam by a photodetector would originate a synchronization signal, and the laser scanning timing controller would delay a clock pulse signal outputted by an internal clock generator to adjust the time at which each of the plural laser beams including the reference laser beam starts to scan the surface of the photosensitive drum. Such internal clock generator [although not mentioned by the present specification] is inherent to any printing system, as evidenced by Hamada et al. (U.S. 6,246,463 B1) (clock generator circuit 47, Fig. 5), which discloses a multi-beam scanning apparatus in which any one of the laser beams [a clock laser beam by

Applicant's standard] is used as a reference laser beam configured to determine a timing of starting each main scanning via the delay time setting circuit such that the beams spots are aligned along the start line in a direction orthogonal to the main scanning direction. The Applicant apparently agrees that the "clock laser beam" disclosed by Hamada et al. meets the claimed limitation:

"Therefore, the proposed combination of Naiki with the clock laser beam of Hamada is contrary to teachings of Naiki, ..." (see response, page 13, second paragraph).

And contrary to Applicant's argument, Naiki et al. does not teach away from the above combination since the teaching of Hamada et al. concerning the "clock laser beam" constitutes "the knowledge generally available to one skill in the art" such that the combination of the above references is proper (see MPEP § 2145).

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai C Pham whose telephone number is (703) 308-1281. The examiner can normally be reached on T-F (8:30-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Benjamin R. Fuller can be reached on (703) 308-0079. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722, (703) 308-7724, (703) 308-7382, (703) 305-3431, (703) 305-3432.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Hai C Pham

HAI PHAM
PRIMARY EXAMINER

September 2, 2003